

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED STATES OF AMERICA v.  
\$164,750 IN UNITED STATES  
CURRENCY TRACEABLE TO THE  
REAL PROPERTY KNOWN AS 1808  
BROADWAY BOULEVARD,  
MANCHESTER, NEW JERSEY 08759

Defendant, *in rem*.

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**Civil Action No. 09-4139 (SRC)**

**OPINION & ORDER**

**CHESLER, District Judge**

This matter comes before the Court upon the motion for default judgment by the United States of America (the “Government”). Briefly, this case is a forfeiture action *in rem* against the above-captioned property. Frank Badics (“Badics”) had filed a verified claim to the property, which this Court struck on June 18, 2010; Badics then moved to amend his claim. While Badics’ motion was pending, the Government filed the instant motion for default judgment, premised on the argument that there existed no claim against the property at issue. Badics has now been granted leave to amend his claim. In view of this, this Court cannot conclude that there exists no claim against the property at issue, and the motion for default judgment must be denied without prejudice.

For these reasons,

**IT IS** on this 22nd day of March, 2011,

**ORDERED** that the Government’s motion for default judgment as to the defendant

property (Docket Entry No. 26) is **DENIED** without prejudice.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge